

## MEETING RECORD

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, December 13, 2000, 1:00 p.m., City Council Chambers, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Russ Bayer, Jon Carlson, Steve Duvall, Linda Hunter, Gerry Krieser, Patte Newman, Tommy Taylor, Greg Schwinn and Cecil Steward; Kathleen Sellman, Ray Hill, Mike DeKalb, Jennifer Dam, Jason Reynolds, Kay Liang, Jean Walker and Teresa McKinstry of the Planning Department; media and other interested citizens.

**STATED PURPOSE OF MEETING:** Regular Planning Commission Meeting

Chair, Russ Bayer, called the meeting to order and asked for a moment of silence in memory of Verl Borg, who had been a planner in the Planning Department for over 30 years. Verl passed away on December 12, 2000.

Bayer then requested a motion to approve the minutes of the regular meeting held November 29, 2000. Motion to approve made by Carlson, seconded by Krieser and carried 8-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Schwinn and Steward voting 'yes'; Taylor absent at time of vote.

**CONSENT AGENDA**  
**PUBLIC HEARING & ADMINISTRATIVE ACTION**  
**BEFORE PLANNING COMMISSION:**

December 13, 2000

Members present: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Taylor, Schwinn and Steward.

The Consent Agenda consisted of the following items: **SPECIAL PERMIT NO. 1883 and COUNTY SPECIAL PERMIT NO. 185, STEVENS CREEK POINTE COMMUNITY UNIT PLAN; PRELIMINARY PLAT NO. 00027, STEVENS CREEK POINTE; FINAL PLAT NO. 00032, HIMARK ESTATES 6<sup>TH</sup> ADDITION; MISCELLANEOUS NO. 00012, AMENDMENT TO THE LANCASTER COUNTY ZONING RESOLUTION; ANNEXATION NO. 00008 AND CHANGE OF ZONE NO. 3294.**

**Item No. 1.1a, Special Permit No. 1883; Item No. 1.1b, County Special Permit No. 185; and Item No. 1.1c, Preliminary Plat No. 00027, Stevens Creek Pointe Community Unit Plan and Preliminary Plat,** were removed from the Consent Agenda and scheduled for separate public hearing.

Newman moved to approve the remaining Consent Agenda, seconded by Steward and carried 9-0: Bayer, Carlson, Duvall, Hunter, Krieser, Newman, Taylor, Schwinn and Steward voting 'yes'.

Note: This is final action on the HiMark Estates 6<sup>th</sup> Addition Final Plat No. 00032, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

**SPECIAL PERMIT NO. 1883**

**and**

**COUNTY SPECIAL PERMIT NO. 185,**

**STEVENS CREEK POINTE COMMUNITY UNIT PLAN,**

**and**

**PRELIMINARY PLAT NO. 00027,**

**STEVENS CREEK POINTE,**

**ON PROPERTY GENERALLY LOCATED**

**AT NORTH 134<sup>TH</sup> & ADAMS STREETS.**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

December 13, 2000

Members present: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Steward and Bayer; Krieser declared a conflict of interest.

Planning staff recommendation: Conditional approval.

These applications were removed from the Consent Agenda and scheduled for separate public hearing due to a letter received in opposition.

Mike DeKalb of Planning staff submitted a letter from Corey Grading objecting to any additional growth in this area at this time. No development should be done in the area until the location of the east bypass is determined.

**Proponents**

**1. Brian Carstens** appeared on behalf of the applicants, **Gerry and Dianne Krieser**. This is an AG community unit plan with seven 3-acre plus lots, with gravel roads on a private roadway; rural water will provide potable water supply; individual septic on each lot; one of the main corridors adjacent is an existing large LES overhead line which will be about

1250' from this development. There is a major ridgeline plus there is a large tree mass in the drainageway. The applicants are requesting the standard waivers in AG zoning subdivisions.

Carlson inquired how many lots could be developed by right without the CUP. Carstens responded that it would be seven. They are not requesting the 20% bonus. Carlson suggested then that the net effect of the beltway would be to move all the lots away from it. Carstens concurred.

There was no testimony in opposition.

Public hearing was closed.

**SPECIAL PERMIT NO. 1883**

**STEVENS CREEK POINTE COMMUNITY UNIT PLAN**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

December 13, 2000

Schwinn moved to approve the Planning staff recommendation of conditional approval, seconded by Newman and carried 8-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Steward and Bayer voting 'yes'; Krieser declaring a conflict of interest.

**COUNTY SPECIAL PERMIT NO. 185**

**STEVENS CREEK POINTE COMMUNITY UNIT PLAN**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

December 13, 2000

Schwinn moved to approve the Planning staff recommendation of conditional approval, seconded by Duvall and carried 8-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Steward and Bayer voting 'yes'; Krieser declaring a conflict of interest.

**PRELIMINARY PLAT NO. 00027**

**STEVENS CREEK POINTE**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

December 13, 2000

Schwinn moved to approve the Planning staff recommendation of conditional approval, seconded by Hunter and carried 8-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Steward and Bayer voting 'yes'; Krieser declaring a conflict of interest.

**CHANGE OF ZONE NO. 3295**  
**FROM R-6 RESIDENTIAL TO B-1 LOCAL BUSINESS**  
**ON PROPERTY GENERALLY LOCATED**  
**AT NO. 35<sup>TH</sup> STREET AND HOLDREGE STREET.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

December 13, 2000

Members present: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer.

Planning staff recommendation: Approval of only the east 14 feet of Lot 3.

Proponents

1. **Brian Carstens** presented the application for the change of zone on Lot 3. Valentino's wanted a walk-in cooler in the building and part of the existing building is on residentially zoned property. The newer addition was done in 1971 and is on residentially zoned property. Carstens agreed with the staff recommendation to only rezone the east 14 feet of Lot 3 to make something that was done wrong right.

There was no testimony in opposition.

Hunter inquired what the zoning is on the parking lot area. Mike DeKalb of Planning staff explained that the lot in question and the lot to the west are both parking lots by special permit in a residential district which have previously been approved.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

December 13, 2000

Carlson moved to approve the Planning staff recommendation to rezone the east 14 feet of Lot 3 to B-1, seconded by Krieser and carried 9-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes'.

**CHANGE OF ZONE NO. 3252**  
**FROM B-2 PLANNED NEIGHBORHOOD BUSINESS**  
**TO I-1 INDUSTRIAL**  
**and**  
**USE PERMIT NO. 103B**  
**FOR RETAIL, COMMERCIAL, FINANCIAL AND RESTAURANT USES,**  
**and**  
**PRELIMINARY PLAT NO. 00009,**  
**KING RIDGE 2<sup>ND</sup> ADDITION,**  
**ON PROPERTY GENERALLY LOCATED**  
**AT NORTH 27<sup>TH</sup> STREET AND FOLKWAYS BLVD.**  
**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

December 13, 2000

Members present: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer.

Planning staff recommendation: Approval of the change of zone and conditional approval of the use permit and preliminary plat.

Proponents

1. **DaNay Kalkowski** presented the application which includes a change of zone, preliminary plat and use permit for portions of the King Ridge property located east of 27<sup>th</sup> north of North Hill Road. This property has had a long history. It dates back to 1996 when this area was shown in the No. 27<sup>th</sup> Street Subarea Plan as commercial and industrial. In March of 1997, the property was zoned B-2 and I-1 and annexed; in 1998 and 1999, use permit 103A was submitted along with associated preliminary plats for portions of the property. In January of 1999, the northwestern portion of the property was sold to Lincoln School District Leasing Corporation; and in February, 2000, Ridge Development and six other property owners entered into an agreement with the city to facilitate the construction of 33<sup>rd</sup> Street from Superior to Folkways Blvd., and is currently under construction.

The applications presented today complete the King Ridge package and cover the balance of the remaining site for the use permit. The use permit and preliminary plat incorporate all of the King Ridge property; the use permit is generic at this stage showing building envelopes and square footage for each lot. The applicant will come in with more detailed information when they have the specific users.

The primary focus of the use permit negotiations were traffic impacts and traffic improvements to No. 27<sup>th</sup> and Folkways. A lot has happened in this area since early 1997 when the property was zoned and annexed. This developer has reached agreement with Public Works with respect to traffic and they are in the process of finalizing a written

agreement. By the end of next year, Folkways will be open from 27<sup>th</sup> to 33<sup>rd</sup>, and 33<sup>rd</sup> Street will be open from Superior Street up to Fletcher Avenue. Folkways from North 27<sup>th</sup> to 30<sup>th</sup> will be a 5-lane cross-section. No. 30<sup>th</sup> over to the east edge of King Ridge will be a 3-lane cross-section with sufficient additional right of way granted to the city to allow it to ultimately become a 5-lane cross-section. The property to the east of King Ridge already has plans submitted to construct a 4-lane cross-section over to 33<sup>rd</sup>. They have worked hard to reach an agreement on traffic to benefit the city's long term interests and for the ultimate users of the property.

Kalkowski submitted proposed amendments to the conditions of approval.

Kalkowski requested amendment to Condition #1.2.14 of Use Permit 103B:

~~Remove~~ Revise the note on the site plan ~~to state~~ing that the extra right of way adjacent to N. 27<sup>th</sup> Street shown on the site plan north of Enterprise Drive will be vacated and deeded to developer.

Kalkowski explained that when staff requested removal of this note it was before anyone knew what improvements would be needed on No. 27<sup>th</sup> north of Enterprise Drive. Part of the agreement is that the developer will be constructing that third lane along No. 27<sup>th</sup> between Enterprise and the north edge of the property. We now know the improvements to North 27<sup>th</sup>. The vacation of the extra right-of-way is consistent with earlier versions of the preliminary plat and use permit. The property to the north of the King Ridge site will no longer take access directly to 27<sup>th</sup> Street.

Kalkowski requested to add the following conditions to Use Permit 103B:

4. The City Council shall have approved:
  - 4.1 Change of Zone No. 3252
  - 4.2 Preliminary Plat No. 00009, King Ridge 2<sup>nd</sup> Addition
  - 4.3 A reduction of the required front yard setback on the lots adjacent to the south side of Folkways Boulevard and on the lots adjacent to North 27<sup>th</sup> Street south of Folkways Blvd., corresponding to the dedicated right-of-way.

This is to clarify the front yard setback waiver that is supported by staff.

With regard to the preliminary plat, Kalkowski requested the same revision to Condition #1.1.14 as is being requested to Condition #1.2.14 of the use permit referring to the right-of-way.

Kalkowski requested to add Condition #2.4:

2.4 Modification of the design standards for a private roadway to allow horizontal curves with no minimum radius, a reduction in tangent length between horizontal curves and a cross slope pavement section in lieu of a crowned cross section.

Newman inquired about the specific locations where the applicant is requesting to waive sidewalks. Her concern is whether there is sufficient pedestrian movement for high school students to the fast food restaurants which might be close enough. Kalkowski explained that the waiver request is on the internal private roadway system circulating internally around the parking lot. Jennifer Dam of Planning staff referred to the site plan and explained that the sidewalks would be waived adjacent to the parking lot but would be provided on the side adjacent to the lots. Newman was satisfied.

Steward asked the applicant to describe the mitigation of the wetlands and how it may or may not affect the school property adjacent since it is not a very compatible ordinary use of school property. Mark Palmer of Olsson Associates stated that mitigation of wetlands was coordinated with the school site. There have been two permits – the school permit has been approved; the King Ridge permit is in process. They mitigate areas to the north of the property. Dam explained that the mitigation of the wetlands was previously approved with the preliminary plat that is already in place for this development. The wetlands will be mitigated in the area of the wetland drainage channel. Kalkowski added that they are doing additional mitigation to the north and making provisions to do some additional mitigation in the North Ridge property to the north clear over to the east.

Steward's concern is procedural in that his understanding is that the school property decision came after that original approval. Dam clarified that the schools were involved in the negotiations on the plat. Steward wanted to know whether we have all the mitigation we need because there is no mention of the mitigation in these conditions of approval. Do we need a new condition? Dam does not believe so because it has been taken care of and the bulk of it is on the school site which is not included in this preliminary plat.

Carlson returned to the pedestrian issue and the sidewalk motion from Folkways to the potential fast food area. He assumes we would not want them to move directly west into the commercial. Dam explained that there is a large grade differential so students walking from school to the fast food would "come down to Folkways, over and up".

Hunter was concerned about the location of signage. Dam stated that the applicant has shown some envelopes for signs on the large site plan. The entire lots are being shown as building envelopes so it is difficult to say how close to the building the signage will be. She did not have the specific dimensions.

There was no testimony in opposition.

Carlson asked staff to speak to the modification of the right-of-way language in Condition #1.2.14 of the Use Permit and Condition #1.1.14 of the plat. Dennis Bartels of Public Works explained that his original comment in the staff report was in response to what was shown on the plans and why the city should vacate the entire piece of right-of-way. The right-of-way was purchased with the 27<sup>th</sup> Street widening project for a frontage type driveway to serve an acreage lot. He has worked out with the applicant and agreed that part of the right-of-way can be vacated, reserving enough for the extra lane that they have agreed to construct. The city did not want to vacate it all until the right-of-way needs were determined. With the negotiated traffic improvements we can determine the right-of-way needs and retain what we need, vacate the rest, and add it to this development.

Carlson asked whether there is a traffic study for North 27<sup>th</sup> Street. Bartels advised that the applicant was required to submit a traffic impact study for this development. The city also has their larger traffic studies in that area. The recently adopted LRTP was based on adding the traffic together. Yes, it was studied. In general, the city wants to get another full lane on the east side of 27<sup>th</sup> adjacent to this development, starting south of Folkways. In general, the traffic numbers are indicating that in the long term, with 14<sup>th</sup> Street widening to 4 lanes and 33<sup>rd</sup> in place with 4 lanes, we would still have capacity problems on 27<sup>th</sup> with the existing two lanes. This development just builds right turn lanes into the driveways and entrance points. As traffic increases or a need comes along, an additional lane could be added on 27<sup>th</sup> both north and south of this location. The city's overall study assumed certain levels of development. The site specific traffic is overlayed over a development like this and the staff analyzes it to try to make the intersections work with the ultimate traffic. Bartels concurred that the staff has required this developer to correspond to the increase in traffic as a result of their commercial uses.

Bartels agreed with the new Condition #2.4 on the preliminary plat. Dam also concurred with the additional conditions on the use permit.

#### Response by the Applicant

Kalkowski stated that the negotiations on traffic improvements were done with respect to the long term traffic needs. The city does not perceive needing more than three lanes on the one side of 27<sup>th</sup> Street.

Public hearing was closed.



**CHANGE OF ZONE NO. 3252**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:** December 13, 2000

Carlson moved approval, seconded by Duvall and carried 9-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes'.

**USE PERMIT NO. 103B**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:** December 13, 2000

Schwinn moved to approve the Planning staff recommendation of conditional approval, with the amendments as requested by the applicant, seconded by Taylor and carried 9-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes'.

**PRELIMINARY PLAT NO. 00009**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:** December 13, 2000

Schwinn moved to approve the Planning staff recommendation of conditional approval, with amendments as requested by the applicant, seconded by Hunter.

Bayer believes the Commission may have missed an opportunity some time in the past. He is not sure a high school should be surrounded by commercial. This will be an interesting thing to watch. He is not sure this was the right move six months ago, but he supports this development.

Motion for conditional approval, with amendments, carried 9-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes'.

**ANNEXATION NO. 00002**

**and**

**CHANGE OF ZONE NO. 3260**

**FROM AG TO R-3, H-3 AND H-4**

**AND FROM R-3 TO H-4**

**and**

**PRELIMINARY PLAT NO. 00014,**

**NORTH CREEK TRADE CENTER,**

**ON PROPERTY GENERALLY LOCATED**

**AT FLETCHER AVENUE AND TELLURIDE DRIVE.**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

December 13, 2000

Members present: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer.

Planning staff recommendation: Conditional approval of the annexation; approval of the change of zone and conditional approval of the preliminary plat.

Proponents

1. **Mark Hunzeker** appeared on behalf of **Hampton Development Services**, the developer of the property. This is an annexation, change of zone and preliminary plat on property which is on both sides of Fletcher Avenue west of the area currently developed as commercial along 27<sup>th</sup> Street. It abuts the interstate and the developer has spent 8-9 months working with the staff to not only clarify their responsibility with respect to construction of Fletcher, but also to come up with a set of design covenants, sign covenants and landscaping which would implement the I-80 Entryway Corridor study and present a good looking face to the public traveling along I-80 as well as accomplish the applicant's goals of developing this property.

Hunzeker requested amendments to the conditions of approval on the preliminary plat. He requested that Condition #1.1.3 be deleted, which requires the applicant to revise the grading plan to retain the existing berms adjacent to the interstate. This condition is the result of a simple misreading of the grading plan. This application does not remove any berms. In fact, they are cutting down the site on the private property side of the interstate in such a way as to effectively create a berm and reduce the visibility or building sites on the property.

Hunzeker requested to add, “at full buildout of four through lanes” to the end of Condition #1.1.7. Public Works wanted the access from Fletcher to be a left-turn in but not out. Hunzeker agrees that to be acceptable at such time as they build the four-lane facility and the medians. But he does not believe there is any need to restrict left turns out until such time as the improvements are made and Public Works is in agreement.

Hunzeker requested to amend Condition #1.1.15, “Revise the grading and drainage plan to clearly show cross-sections of the flood corridor easement, at critical locations to the satisfaction of the Public Works Department.” Hunzeker believes that Public Works agrees with this amendment. This will demonstrate that they have met the design standards.

Condition #1.1.17 calls for sidewalks on the interior side of the private frontage roads. Hunzeker referred to the site plan, demonstrating that the developer is providing private frontage roads so that they do not have multiple access points along Fletcher. Fletcher will eventually be a 5-lane arterial and they recognize the concern about multiple driveways on Fletcher. They have provided frontage roads on both sides of Fletcher to provide access to the various lots. They are providing sidewalk on both sides of Fletcher. Hunzeker requested that Condition #1.1.17 be deleted because it would provide that, in addition to sidewalks along Fletcher, they will have to provide a sidewalk along the inside of the private frontage roads. Hunzeker believes that one sidewalk along Fletcher is sufficient. This is a technical requirement of the subdivision ordinance that should be waived as a practical matter so that they can use the area inside of the frontage roads for landscaping.

Condition #1.1.18 requires a landscape screen along the south side of the plat to screen the commercial uses from the residential uses to the south. Hunzeker explained that in the initial platting of North Creek a landscape screen has already been required to screen the eventual commercial use. Hunzeker requested that Condition #1.1.18 be deleted. This will be an attractive looking commercial area.

Hunzeker then submitted a proposed rendering of the buildings anticipated to be constructed.

Carlson asked the applicant to discuss what has been done to protect the entryway corridor. Hunzeker stated that the developer reviewed all of the I-80 corridor study material as it was done and also worked with Kim Todd, who is one of the consultants on that study. They asked her to design a plan for landscaping and sought her advice on signage to conform with the thrust of that entryway corridor plan. Hunzeker acknowledged that comparing word-for-word and line-by-line, you would find there are some things that are not necessarily absolutely identical to the original recommendation, but he believes the landscape plan incorporates a lot of native materials as recommended by the study—there are a lot of berms; they will be effectively screening all of the parking; they will

not be completely hiding the buildings, of course, but the signage will be very limited compared to what is available under the H-3 zoning district. The zoning allows pole signs, but this development has limited both the height and the construction so that there are no signs on what are traditionally referred to as pole signs. There will be some signs coming up off the ground a ways but they will have wide bases to give them a proportion that is much different from a pole sign.

Carlson then referred to Hunzeker's request to amend Condition #1.1.15 regarding the flood corridor easement. Is it particularly difficult to delineate the entire thing or where the critical points might be? Hunzeker was not certain, but he believes the flood corridor being identified will be in the good sized drainage area. Dennis Bartels of Public Works suggested that the requirement not be modified but that they could work out a different way of showing the requirement. He does not doubt that there is sufficient open space to meet that requirement, but the subdivision ordinance requires that that corridor be identified. Bartels thought that identifying the corridor with cross-sections or any critical locations would accomplish the same thing as delineating it 100% in areas where it becomes obvious that they have met the requirement. Bartels believes the proposed amendment is a clarification and not a modification of the requirement.

With regard to the proposed amendment to Condition #1.1.7, Bartels explained that Public Works did not want left turns out of the private drive. Once the medians are there, they will be able to come in from the west and turn left into the site. The developer has guaranteed the construction of a pork-chop type median in the throat of the private roadway to prevent left turns out in the annexation agreement.

Carlson referred to sidewalks and asked whether the developer has any idea what the uses will be. In other words, he wanted to determine whether the sidewalk on Fletcher will get pedestrian movement—will there be any uses that will require movement north or south to get to the sidewalk on Fletcher? Hunzeker could not commit to the uses; however, they are anticipated to be similar uses to what you would find at the Trade Center in south Lincoln, and some that will be even less consumer oriented, somewhat more commercial oriented. They don't anticipate a lot of pedestrian traffic being generated by these uses. The developer is not opposed to putting sidewalks along Fletcher, but it is redundant to put them along the roadways as well as between the roadway and Fletcher Avenue. Hunzeker believes there will be sufficient pedestrian access.

With regard to the sidewalk question, Steward wondered why they wouldn't just replace that stretch of sidewalk along the frontage road and put it on the frontage road and not on Fletcher. Sidewalks are to serve the business front and to get from point A to point B. Hunzeker would not object to that. It would actually improve the ability to landscape the area between the street and the frontage road.

With regard to Condition #1.1.3, Steward asked whether the applicant would agree to

simply removing the words, “Revise the grading plan to”, and leave the rest. Condition #1.1.3 would then read, “Retain the existing berms adjacent to the interstate.” Hunzeker concurred.

Steward is happy with the control of signs and design standards. He asked Hunzeker to define an “upscale development”. Hunzeker’s response was that this is a project where the buildings will be constructed of materials that are more expensive than what would otherwise be necessary to meet codes. They will be using brick or other permanent type materials which require little or no maintenance. They can have metal roofs as long as they are not galvanized, which are substantial upgrades from a cost perspective over a shingle type roof. They expect this to be an area that will not only start out to be an attractive area, particularly with enhanced landscaping, but also the architecture quality of the materials being used, and will stay that way for a very long time. Hunzeker believes that defining “upscale” is a question of compared to what? Steward submitted that this may be an argumentative and difficult term to define, but it is a general observation. Performance standard might be better than a quality definition. Hunzeker stated that the only thing that gives him a degree of confidence is that when he drafts the covenants he drafts them so that the owner-developer has virtually absolute control. Bob Hampton has a good idea of what an upscale development is and he can tell the buyers yes or no as to whether it meets his criteria.

Newman noted that the I-80 corridor study recommends 100' setback from the interstate. How close will the parking lots and buildings be to the interstate? Hunzeker believes the parking lots will be less than 100' from the right-of-way. He does not know that he can say what it will be precisely. Some of the lots are less than 400' deep. We get to a point where we’re pretty narrow, and when you give enough room for the frontage road and separation from Fletcher to the frontage road, you begin to make those pretty tight. Part of what they went through with the staff is the concern about access points along Fletcher, and it was decided that frontage roads would be a good way to deal with that. With a narrow strip between Fletcher and the Interstate you have to make some compromises as to where you are going to put things. One of the things that mitigates that is the way we are draining this site. There is a hill along that area that comes up from the interstate and flattens off. On our side of the property line we are cutting it back down so that our parking lots are going to be pretty well hidden. The back slopes will be landscaped with material that will grow up and provide some nice screening. This project could not meet the 100' in a lot of locations. It is not a requirement—that entryway corridor study is not an adopted study at this point. Hunzeker believes the benefits of getting the traffic off Fletcher are substantial.

Hunter noted that the developers have agreed to restrict the number of signs to one per lot, either ground or pylon sign up to 30' in height. She is extremely concerned that development along I-80 doesn’t start looking like 27<sup>th</sup> Street. There could be 8 pylon signs 30' high running down this interstate. Hunzeker agreed that it is possible, but unlikely.

Most uses will want to be identified by a ground sign along Fletcher. He believes there will be very few who will put a pylon sign along I-80. These uses will not be driven on pulling traffic off the interstate. Hunter does not believe there is a lot of reason to put commercial use on the interstate without getting visibility. She realizes that they are talking about a monument type sign on this application, but with all due respect, she is sure that might not happen. Hunzeker offered that these are not your typical pole type signs—they are going to be required to have a mounting base and sign face size which are proportional. If the sign is 5' wide, the mounting base is at least 24" which would allow a sign width of only 10'. The width of the sign to the width of the base is a maximum of 5-1 ratio and the base has to be a non-reflective material and either same or similar appearance as the building with which the sign is associated. Hunzeker advised that the developer spent a lot of time with staff on these conditions and he believes these conditions will make these signs very distinctive and very expensive to build. Hunter noted that there is no restriction on the flashing type sign. There needs to be some protection to guard against this look. Hunzeker does not believe the size of these signs will be such that it would be helpful to have a message board. They will not be big enough to be read from the interstate.

Steward confirmed that the pylon signs can be 100 sq. ft. Hunzeker is pretty sure that there are a lot of directional signs right up against the shoulder of the interstate that are over 100 sq. ft.

Carlson sought confirmation that the signs will be on the elevation of the buildings and not the interstate elevation. Hunzeker agreed that some of them will be. It depends on which lot it is. For the most part, they will be cutting it back down so the first 10-12 feet of those lots adjacent to the existing elevations won't even be seen. Hunzeker confirmed that the landscaping on the back side of the berm will not be lost.

There was no testimony in opposition.

Hunter wondered whether the Commission could restrict the signage to be ground signs. Jason Reynolds of Planning staff stated that there are no such restrictions in the covenants. The covenants were provided to address the sign issue and the covenants do not specify the size of pylon signs. The H-4 district allows them to be 100 sq. ft. Hunter inquired about enforcement of the covenants. Rick Peo of the City Law Department advised that covenants can be made to be enforceable by the city but the city really does not want to be a party to them. Peo reminded the Commission that what is before them

today is an annexation, change of zone and preliminary plat. There is no provision to impose any design type conditions on the use of the property in these applications. The agreements have been negotiated with staff in the annexation agreement. If the Commission is not satisfied, the choice is to deny the change of zone. The design covenants could have a provision added that the city could have the right to enforce but we don't want to mandate it.

Bayer wondered whether the building envelopes on the lots that are on the interstate side could be discussed. Peo advised that the preliminary plat does not show building envelopes. The plat is just the design of laying out lots, streets and various improvements. The Commissioners are getting into a lot more detail than the application before the Commission requires. This is not a use permit which would typically come forward with this package. Bayer asked how the Commissioners can direct what their feelings are with respect to the entryway. Peo suggested that the question is whether the change of zone is appropriate based upon what is being presented, and whether or not the property should be annexed. Obviously, they need a lot of city services to do this. There are not any adopted regulations on entryway design standards at this point in time. There is a study with recommendations, but who knows whether they will be adopted or modified? He believes the applicant has tried to work with the study recommendations to the best of their ability with the staff.

Steward inquired as to the status of the Entryway Study. Kathleen Sellman, Director of Planning, advised that at this time Ed Zimmer in the Planning Department is handling that project. There has been a file initiated and there will be an interdepartmental review and then preparation of recommended standards that will come before the Commission for discussion. The goal is to have this accomplished within 90 days.

Carlson asked staff to respond to the requested amendments to the conditions of approval. Reynolds advised that the amendment to Condition #1.1.7 is acceptable. The amendment to Condition #1.1.15 is acceptable to Public Works. With regard to Condition #1.1.17, Bartels commented that the idea of sidewalk on one side of the interior frontage road (the building lot side) in lieu of Fletcher Avenue would be acceptable. In fact, that might provide better movement. There are two things to look at--circulation between the businesses and the person using it for transportation or recreation. The first half mile is all commercial or business related directly next to Fletcher and the land uses anticipated all the way to 14<sup>th</sup> are potential commercial or office zoning. Steward suggested that the other advantage would be not to force the pedestrian to cross the throat between the frontage way. Bartels added that it is anticipated that the northernmost median opening can potentially justify a signal location. Public Works had asked as the ultimate buildout occurs, that we not allow left turns out of there to avoid or make sure we never have to signalize it. We are trying to preserve capacity on 14<sup>th</sup>.

With regard to deleting of Condition #1.1.18, Reynolds confirmed that the landscaping that

was done with the North Creek preliminary plat is sufficient to satisfy this application.

Reynolds also advised that if Condition #1.1.17 is amended, Condition #2.3 will also need to be amended.

Schwinn pointed out that the frontage on the lots is 250 or 300 feet and sometimes bigger, which is longer than a football field. We really don't understand how big this really is. People will not be walking from one business to the next. As far as a lane for pedestrian and bike traffic, maintaining it on Fletcher may be the better place to have it.

Hunzeker pointed out that the covenants, although not enforceable by the city, have been thoroughly reviewed by all the city staff and, pursuant to the annexation agreement, they cannot be modified without the permission of either the Planning Director or the City Council.

Peo also advised that as a condition of the annexation agreement, the city require the developer to agree to install everything according to the covenants. That agreement cannot be changed without the city's approval.

Hunzeker believes the annexation agreement runs with the land and any buyer of any lot will be bound to the same extent as the developer. It will show up in the title report to any buyer of these lots.

Hunter believes it becomes an issue between lot owners unless made a requirement of the annexation agreement.

Bayer suggested amending Condition #1.1.17 as follows: "Revise note 9 to require sidewalks on the business side of the private frontage road and not on Fletcher Avenue in the area within the frontage roads." And then Condition #2.3 should "waive sidewalks on Fletcher between the frontage road entrances."

Public hearing was closed.

**ANNEXATION NO. 00002**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

December 13, 2000

Steward moved to approve the Planning staff recommendation of conditional approval, seconded by Schwinn.

Hunter noted the staff analysis #3 which talks about the proposed area being adjacent to Interstate 80. "...The city has prepared entryway design guidelines that include the section of I-80 abutting this development. However, specific recommendations for the corridor have not been adopted." This reminds her a lot of the east beltway issues. Before much



more of this occurs she would like to see that we are not creating something that we are going to have to try to take back at some point in time later. This development abuts 27<sup>th</sup> Street, which in all indications to her is the main corridor entrance to Lincoln.

Steward agreed with Hunter on the concern for the entryway. Once again, we have a disconnect between fine grain planning and development action and we are always going to have that when we try to do subarea planning. He would support this but he will be very reluctant to approve anything else until the entryway plan is presented to the Commission. Steward commended the developers for working with and recognizing that entryway study; however, he wants someone at some point to justify how it is we can have highway commercial zoning with no access to a highway and then justify that it has to abut that particular highway. Just because there is a highway doesn't mean that there has to be commercial there. However, he appreciates how difficult it is to have other uses. In any event, we are not protecting our entryways by these kinds of actions, but in this case he believes we are compelled to move forward.

Motion for conditional approval carried 9-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes'.

**CHANGE OF ZONE NO. 3260****ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

December 13, 2000

Steward moved approval, seconded by Duvall.

Newman is very concerned about signage and how close the parking lots will be to I-80. If we are 90 days from having an entryway recommendation come forward, she is hard-pressed to move forward. "Mark comes off the good boy list if this isn't a gorgeous development."

Carlson agreed. The distinction is that we have a project that has already been in the works. We are interested in having discussion on the standards and projects need to take it into account. He believes this one has to taken it into account. It is difficult to make the standards retroactive.

Hunter commented regarding the signage. For all good intentions that exist, all it takes is one violation and others will follow suit. That's just the way it happens. For all the good intentions of a developer, once the lots are sold and developed, it is a private business interest to do what it takes to be successful. As important as this entrance is on a long-reaching basis, it is something that we can't take back. She has some real discomfort moving forward on these kinds of things without some regulations in place.

Schwinn stated that this strikes him as being one of the rules of one good deed never goes unpunished. He believes that this developer, for a mere dozen lots and a small portion of

annexation, has gone above and beyond what we normally see and has made far more promises than we ever see. He thinks the Commissioners are beating up on this developer a little too much. He is pleased that they have taken the effort to comply with an ordinance that we may see in 90 days.

Steward does not think we are being hard enough.

Motion for approval carried 8-1: Taylor, Schwinn, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes'; Hunter voting 'no'.

**PRELIMINARY PLAT NO. 00014**

**NORTH CREEK TRADE CENTER**

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

December 13, 2000

Duvall moved to approve the Planning staff recommendation of conditional approval, with the amendments requested by the applicant and as discussed during the public hearing, seconded by Taylor:

- 1.1.3 ~~—————~~ ~~Revise the grading plan to r~~Retain the existing berms adjacent to the interstate.
- 1.1.7           Revise the street system to show one median opening in Fletcher Avenue, where the north opening to the frontage road is shown. Show the south opening as a left turn in only, at full buildout of 4 through lanes.
- 1.1.15           Revise the grading and drainage plan to clearly show cross-sections of the flood corridor easement, at critical locations to the satisfaction of the Public Works & Utilities Department.
- 1.1.17           Revise note 9 to require sidewalks on the business side of the private frontage road and not on Fletcher Avenue in the area within the frontage roads ~~add “and the interior (lot) side of the private frontage roads.”~~
- 1.1.18 ~~—————~~ ~~Revise the landscape plan to show the landscape screen required by the Design Standards for Zoning between the H-3 lots in Block 1 and the R-3 district to the south.~~
- 2.3           A modification to the requirements of the land subdivision ordinance to permit a waiver of the block length requirement;, to waive sidewalks on Fletcher Avenue between the frontage

road entrances ~~only one side of the private frontage roads;~~  
and to waive the requirement to name the frontage roads.

Bayer urged that the entryway is very important to the Commissioners and future development along the Interstate may very well need to be after we have an entryway plan. The Commissioners do recognize the work of the staff and the developer in this application.

Motion for conditional approval, with amendments, carried 9-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes'.

**CHANGE OF ZONE NO. 3213**

**FROM R-3 RESIDENTIAL TO B-2 PLANNED  
NEIGHBORHOOD BUSINESS DISTRICT AND  
O-3 OFFICE PARK DISTRICT**

**and**

**SPECIAL PERMIT NO. 1813,**

**THE PRESERVE ON ANTELOPE CREEK COMMUNITY UNIT PLAN**

**and**

**USE PERMIT NO. 125**

**FOR A RETAIL NEIGHBORHOOD CENTER  
AND OFFICE PARK**

**and**

**PRELIMINARY PLAT NO. 99027**

**THE PRESERVE ON ANTELOPE CREEK.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:** December 13, 2000

Members present: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer.

Planning staff recommendation: Approval of the change of zone and conditional approval of the special permit, use permit and preliminary plat.

Kay Liang of Planning staff submitted a letter from Ken Kontor and Terry Allen expressing concerns about the effects of the uses allowed in the B-2 district. They would like to meet with the developer again and requested further continuance of the public hearing.

Proponents

**1. Kent Braasch, Essex Corporation**, appeared on behalf of Landscapes Unlimited, the developer. He provided new information only. The developer has reviewed the rather lengthy staff comments and agrees with the staff analysis, except for part of #13: "...The grade of 80<sup>th</sup> Street approaching Pioneers Blvd. does not meet standards for a 2% platform." The developer is requesting to comply with the newly adopted Design Standards which would provide for a 3% platform. That is the only change the applicant is requesting.

The applicant has met and made a presentation to Ken Kontor and Terry Allen. Their concerns are their property values. Braasch does not believe they are concerned with what this developer talks about, but rather, they feel that based on what happened in another development in the area, they were told certain things that did not happen. In the B-2 area, the developer is looking at things like a deli and card store that won't get expanded to other things. These property owners want the developer to limit the kinds of things that will go into the B-2 area. Braasch is only one of the principals and could not make that representation without talking with the other partners, so he has agreed to talk further with the property owners later on. Braasch stated that the developer would agree to disagree as to whether this development will affect the property values of those property owners.

Braasch assured that the developer intends to meet again with Kontor and Allen; however, Kontor is out of town and they won't be able to reconvene until next week.

Bayer stated that he has talked with Ken Kontor and one of his concerns is whether or not the second story or upper story of the office structures would be used for residential. Kontor got the impression at the meeting that there was no guarantee that the second story would in fact be residential. Braasch responded, stating that the application shows the upper level of these structures being reserved for either office lots or residential lots, with a maximum of 35 units in the form of apartments in the six various buildings. While the developer hasn't concluded totally that they are going to be residential, they could be executive suites, accounting offices, etc.

Bayer inquired whether Arboretum Drive will connect into Lucile Drive. Braasch responded in the affirmative. Bayer is not sure that is possible based upon the information that the Commissioners have, because there is a strip of land shown there. Braasch is aware of that strip of land which is owned by the owners on the other side of the street. He acknowledged that the this developer and that property owner need to talk about getting that access. They have not yet had that conversation.

Opposition

1. **Mike Rierden** appeared on behalf of **Lincoln Federal Savings Bank**, the owner of the strip of ground on the west side of Lucile Drive and the owner of a great deal of the residential development to the south and that which is currently being developed today. Lincoln Federal believes this is an excellent layout. Lincoln Federal likes the residential layout, the townhomes, the assisted living, and the office to the south. However, the primary concern of Lincoln Federal is the B-2 on the corner of Lucile and Pioneers. Their concern is with the various types of uses that are allowed in B-2 and Lincoln Federal does not believe they may be compatible with the residential uses that exist or are planned to be built. A more compatible commercial district such as O-3 might be more appropriate.

Rierden then referred to the strip of ground and access. There was a problem with the section lines for Lucile Drive because they did not line up. Lucile Drive did not line up with the street to the north. Lincoln Federal was required to meander Lucile Drive to the west which left the strip of ground as an area which had to be taken care of as an outlot. Rierden recalled that there was some discussion when Speidell owned this property about that access, but he does not believe there were any specifics agreed upon. Public Works thought there might be a public access easement in there. In any event, Lincoln Federal's concern is the B-2. Lincoln Federal was required to have one point of access on Pioneers and it has been a policy of Public Works not to have any further access points or driveways on Pioneers. Arboretum Drive is connecting to Pioneers. We do not want this to have an adverse impact on the timing for installation of a traffic signal at Lucile Drive and Pioneers. We want to see a traffic signal placed at that intersection as soon as possible. He does not know whether this Arboretum Drive would have an adverse impact, and if it does, Lincoln Federal is opposed to this access point because they need that traffic signal.

Steward inquired whether Lincoln Federal is available for negotiations about the access. Rierden agreed that they would be available for discussion.

Steward inquired of staff as to a logical zone designation to accommodate neighborhood type commercial on the ground floor and residential above, other than B-2. Jason Reynolds of Planning staff stated that the R-T Residential Transition district does not allow business on the ground floor with dwellings above as a permitted use. Some of the office districts, however, do permit dwellings, i.e. O-3 Office Park allows office buildings as well as single, two-family and multiple dwellings, and requires a use permit. Dwellings are permitted above the first story of a building in the O-2 Suburban Office District, as well as O-1; however, O-1 is generally restricted to the area right around the Capitol. Reynolds believes that B-1 and B-3 would also allow the residential above the commercial uses.

Carlson inquired whether there is an option in the B districts to specifically designate the kinds of retail uses that the developer might want to have. Reynolds suggested that that could be accomplished within the use permit in the B-2. Individual uses are identified on the lots.

Bayer asked staff how it is possible to go forward with a recommendation without the access to Lucile Drive being resolved. Liang suggested that it is definitely something that needs to be researched. Bayer thinks it needs to be deferred. Staff would agree.

#### Response by the Applicant

With regard to the B-2 uses, Braasch stated that they did research the alternatives with what they are trying to do in that area. The intent is to provide neighborhood business types of uses in the Lucile Drive area. He believes that B-2 is really set up for exactly what they are doing. The Comprehensive Plan provides for the establishment of local retail shopping facilities which will provide for planned and controlled consumer services for new areas. The whole flavor of what this developer is trying to do is to provide neighborhood centers for shopping for the entire general neighborhood. To go into an office setting really takes us out of the types of things that we are trying to develop for uses for that neighborhood. When the developer talked with staff originally, they were trying to indicate the character of the things that they are interested in providing, with two-story masonry buildings. It is the developer's understanding that the renderings submitted do establish what the developer has to provide as far as quality is concerned. Braasch advised the Commissioners that this developer has retained some ownership and it is in this developer's best interest to maintain the quality of what happens in the B-2 area. At this time, however, they have done no marketing and there are no tenants that are in line to take over that space.

Steward stated that he certainly concurs with the intent, but he believes there is reasonable concern on the part of other neighbors as to what may happen if this is zoned B-2 and the permission characteristic of someone other than this developer converting that property according to that zone. If there is intent to have neighborhood business and residential or neighborhood service office use on the second floor, then this does the city a service. But the B-2 zoning district provides other opportunities and therein lies his concern. Braasch stated that the developer does have envelopes laid out so they are restricted in the size of building which starts to limit the kinds of things that would go into that area.

With regard to the types of uses in B-2, Reynolds offered that it would be possible for the applicant to add a note on the plan delineating uses which are forbidden. That could be changed in the future; however, and not necessarily administratively.

Bayer thought a deferral might be an excellent opportunity to resolve some of the use issues, such as how to protect the neighbors on all sides.

Steward moved to defer until January 10, 2001, seconded by Hunter and carried 9-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes'.

**COMBINED USE PERMIT/SPECIAL PERMIT NO. 17**  
**FOR GENERAL OFFICE, MEDICAL OFFICE AND**  
**RESTAURANTS ON PROPERTY GENERALLY LOCATED**  
**AT SOUTH 13<sup>TH</sup> AND 14<sup>TH</sup> STREETS**  
**BETWEEN BURNHAM AND STOCKWELL STREETS.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:** December 13, 2000

Members present: Taylor, Schwinn, Newman, Duvall, Carlson, Krieser, Steward and Bayer (Hunter declared a conflict of interest).

The Clerk announced that the applicant has requested a deferral until January 10, 2001.

Schwinn moved to defer to January 10, 2001, seconded by Newman and carried 8-0: Taylor, Schwinn, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes'; Hunter declaring a conflict of interest.

**SPECIAL PERMIT NO. 1886**  
**TO OPERATE A CLUB**  
**ON PROPERTY GENERALLY LOCATED**  
**AT 6401 PINE LAKE ROAD.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:** December 13, 2000

Members present: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer.

Proponents

1. **Brian Carstens** appeared on behalf of **Youth for Christ**, the applicant. Carstens noted that Tom Gapp appeared at the last public hearing as the adjacent neighbor to the south, requesting a private covenant relinquishing this special permit at such time as the property is sold. Carstens stated that the applicant has reached agreement. A covenant has been executed and will be filed stating that:

“...in the event of the sale or transfer of the property to a third party, Campus Life shall make application for and receive a revocation of Special Permit No. 1886

which permits the property to be utilized as a “club”; provided, that this covenant will not prevent Campus Life from transferring the property to another entity owned or controlled by Campus Life, but in the event of any such transfer the property will remain subject to this covenant.”

Tom Gapp has signed a letter that he agrees with the covenant.

Carstens then showed a preliminary sketch of the floor plan of the facility showing the area that would be converted to office use. The kitchen, dining area, the previous great room, and two bedrooms will all be converted to activity areas on the main floor. There is an existing pool on the site.

There was no testimony in opposition.

Public hearing was closed.

**ADMINISTRATIVE ACTION BY PLANNING COMMISSION:**

December 13, 2000

Taylor moved to approve the Planning staff recommendation of conditional approval, seconded by Krieser.

Hunter stated that she will not be able to vote in favor. There are other issues that have been before the Commission in terms of putting office type facilities within residential areas and she does not believe we can discriminate between whether it is a highly populated area or not. There is AG and AGR zoning around this area; there are houses around this area; it is the conversion of a residence to business and it is contrary to that type of use.

Steward believes this could more appropriately be referred to as a neighborhood or community YMCA/residential relationship in that it is educational, administrative and recreational. It's hard to classify it as a business or noncomplying non-compatible use.

Taylor appreciates the concerns about this being a business type use. But this is really not a business. He does not see it as being primarily set up for business but rather for a ministerial capacity involving youth.

Hunter agreed that it is unfortunate because her objection has nothing to do with the type of organization. The problem from her point of view is that an administrative office is an administrative office, regardless of who it is that is using it. That is the premise that she stands on. She would like to see these things take place in areas that are designated for those uses.



Schwinn agreed with Steward and Taylor. He believes there is a distinctive difference in that this application and this particular use will be all right, especially with the additional covenant with the neighbor to make sure it goes back to residential afterwards.

Hunter asked whether the covenant was negotiated with the neighbors. Bayer pointed out that the neighbor signed a letter that he received the covenant and agreed with it.

Motion for conditional approval carried 9-0: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer voting 'yes'.

Note: This is final action, unless appealed to the City Council by filing a letter of appeal with the City Clerk within 14 days of the action by the Planning Commission.

**SPECIAL PERMIT NO. 1887**

**WEST POINT BUSINESS PARK,**

**ON PROPERTY GENERALLY LOCATED**

**AT S.W. 40<sup>TH</sup> STREET AND WEST 'O' STREET.**

**CONT'D PUBLIC HEARING BEFORE PLANNING COMMISSION:** December 13, 2000

Members present: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Krieser, Steward and Bayer.

Proponents

1. **Brian Carstens** appeared on behalf of **West Point, L.L.C.**, the applicant. This public hearing had previously been deferred because of some discrepancies in the right-of-way issues on N.W. 40<sup>th</sup>. This is an H-4 planned service commercial district special permit. One lot has been sold to a governmental agency. They will bring the sewer out N.W. and S.W. 40<sup>th</sup> Street. The requested waivers are the sidewalks along "O" Street and the piece on N.W. 40<sup>th</sup> because there are no sidewalks within miles. The applicant is no longer requesting to waive sidewalks on the internal private roadways.

Carstens submitted proposed amendments to the conditions of approval.

- |        |   |
|--------|---|
| #1.1.6 | <u>Delete Note 9, which requested a waiver of sidewalks</u> <u>Revise Note 9 to state that "A waiver of sidewalks on the North side of West "O" Street, and the east side of N.W. 40<sup>th</sup> Street is hereby approved.</u>  |
| #1.1.9 | <u>The dedication of 50' <del>33'</del> 50' of right-of-way on NW 40<sup>th</sup> St. as requested by Public Works to the North line of West Cavalry Court. Show a 33' utility easement along the west line of Lot 5 to allow for the future extension of a public water main north of Interstate 80.</u> |

- #1.1.13 Rename "Cavalry Court" as "West Cavalry ~~Street~~ Court" in accordance with the street naming conventions of the City of Lincoln. The roadway is not a permanent dead end. Remove the future driveway and public access easement from Lot 1.
- #1.1.14 The sewer serving this plat needs to be extended ~~north of the interstate from N.W. 39<sup>th</sup> Ct.~~ to the south right-of-way line of Interstate 80.
- #1.1.17 Show ~~NW 40<sup>th</sup> St. north to I-80~~ a 15' parking setback for non-required parking and a 50' building setback from the west line of Lot 5.
- #1.1.20 Add a table to the plans to allocate the allowable buildable floor area for each lot.
- #2.2 Front yard setbacks from 50 feet to 17.5 feet along the public access easement along the private roadways and a front yard setback along the east side of N.W. 40<sup>th</sup> Street, on Lot 4 from 50' to 33'.

In light of the discussion on the North Creek Trade Center, Carstens offered another amendment to, Add a note to prohibit off-premise signs, i.e. billboards. One sign per lot. 100 sq. ft. maximum pole sign. 50' sign but no hotel, motel signs.

There was no testimony in opposition.

Jason Reynolds of Planning staff agreed with the proposed amendments to the conditions of approval. 50' pole signs are allowed by right in the H-4 district. The ordinance allows modification of the requirements under this special permit and having a 50' pole sign is an improvement over an 80'x 300' sq. ft. pole sign. The landscape requirements are met at the time of building permit, and they did provide adequate street trees along West "O" and N.W. 40<sup>th</sup>. They would have to meet screening requirements of the design standards with their application for building permit. There would be an opportunity for staff review at that time; however, there would not be a public hearing.

Hunter pointed out that this is another development abutting Interstate 80 and another pole sign.

Reynolds further pointed out that given this is already zoned H-4 and they could have applied for a preliminary plat where the Commission would not have authority to control the signs at all, this is certainly an improvement over that situation. Under H-4 they are allowed wall signs on premises which shall not exceed 30% coverage of the wall face or 500 sq. ft., whichever is less; they can put signs in the front yard if they wish, with 50 sq. ft. of sign area; the amendments offered eliminate the provision near the interstate and the

off-premise signs.

Bayer inquired whether “one sign per lot” means a wall, front yard or pole sign. Reynolds believes their intent is one monument or pole sign per lot.

Steward inquired whether the applicant is familiar with the work that has been going on on the entryway study. Carstens answered in the affirmative. Steward commented that we are already at “point forward”. He inquired whether Carsten’s client is willing to take some steps to look at this again because Steward doesn’t think it goes far enough. Carstens suggested that with 100' setbacks, just because of the shape of the parcel with so much frontage along the interstate, they would probably chew up 10-15 percent of the site. He could not comment whether they could increase the setback. By natural topography, a lot of the site will be behind the berm. The only area that would be visible is at the intersection, but then the site falls down pretty dramatically as you head south. Much of it is hidden behind the hill on the interstate. Steward asked whether Carstens would be willing to tolerate a delay to reconsider. Carstens stated that he would rather delay than have a recommendation of denial. The applicant would agree to 30' height for the signage.

Hunter wondered whether there is any chance the applicant would consider a gorgeous rock sign instead of the high signs. Carstens does not know who the users will be on the other three lots. They don’t have anyone in mind at this time so they don’t know what the signage requirements might be.

Carlson inquired as to the distance of the pavement to the buildings. Carstens believes it would be close to 100'. Carlson was uncertain as to the meaning of the 100' setback in the proposed design standards. Kathleen Sellman, the Director of Planning, cautioned that at this time the staff does not have final review of the proposed entryway design standards back from the Law Department. There were some concerns about establishing a setback as great as what had been recommended in the study. She does not know what setback will be proposed.

Carlson understands there is some screening involved in the H-4 but he is not sure about the level as discussed in the Hampton proposal discussed earlier. Reynolds advised that there would definitely be a parking lot screen required. There is more highway commercial zoning opposite as well. They would be required to screen parking lots for 2-4 feet.

Schwinn noted that this application shows a 50' front yard setback on the portion of N.W. 40<sup>th</sup>. Carstens clarified that it is going to be 50' from the lot line and it will be a side yard setback.

Schwinn asked whether the applicant would prefer deferral or denial at this point. Carstens would agree to a deferral.

Reynolds offered that the screening could be added as a condition to be provided prior to scheduling the application on to the Council.

Steward moved to defer to January 10, 2001, seconded by Hunter.

Steward commented that all the Commission can do now is attempt to work with the developers on a parcel-by-parcel basis to recognize that these are some of the most sensitive areas that we have because of detail planning that is underway. He would much prefer a little more due diligence on everyone's part than rushing to approval for the sake of convenience.

Reynolds requested to correct his comments on the screening requirements. Screening shall be done in accordance with those districts requiring use permits, i.e. 10,000 sq. ft. or fraction thereof of building coverage, 4 trees with design spread of 30' each or combination to equal same, as well as 400 ft. of shrub coverage.

Steward clarified that it is the general characteristics of setback, berming and screening, signage and the possibility of some potential material controls that he is concerned about. But it is an H-4 district and if the applicant wants to press the matter, the Commission has very limited opportunity to hold a project to any other standard.

Motion to defer until January 10, 2001, carried 8-1: Taylor, Schwinn, Hunter, Newman, Duvall, Carlson, Steward and Bayer voting 'yes', Krieser voting 'no'.

There being no further business, the meeting was adjourned at 3:50 p.m.

Please note: These minutes will not be formally approved until the next regular meeting of the Planning Commission on January 10, 2001.